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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,699	05/02/2001	Peter Forch	A-2664	6206
24131	7590	03/25/2005		EXAMINER
LERNER AND GREENBERG, PA				LOWE, MICHAEL S
P O BOX 2480				
HOLLYWOOD, FL 33022-2480			ART UNIT	PAPER NUMBER
			3652	

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/847,699	FORCH ET AL.
	Examiner M. Scott Lowe	Art Unit 3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12/30/04 & 11/29/04.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) 3,6,11-13 and 16 is/are withdrawn from consideration.  
 5) Claim(s) 19 and 20 is/are allowed.  
 6) Claim(s) 1,2,4,5,9,10 and 15 is/are rejected.  
 7) Claim(s) 7,8,14,16,17 and 18 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 10 February 2004 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

***Claim Objections***

Claim 16 is objected to because of the following informalities: the tag should be "withdrawn". Appropriate correction is required.

***Claim Rejections - 35 USC § 102/103***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1,2,4,5,15 are rejected under 35 U.S.C. 102(b) as being anticipated by Charbonnet (US 4,547,115).

Re claim 1, Charbonnet teaches a device for aligning sheets prior to transferring the sheets to a sheet processing machine comprising at least one sheet-gripping device having a single pivotable positioning table (figure 7) displaceable by an actuating drive 26 selectively in a plurality of directions selected from the group consisting of a sheet travel direction, transversely to said sheet travel direction and in a direction wherein it is

pivoted about an axis extending in a direction orthogonal to said sheet travel direction, the sheet to be aligned being fixable on said positioning table.

Re claim 2, Charbonnet teaches a contact surface 53 with at least one opening connectable to a negative-pressure source (not numbered).

Re claim 4, Charbonnet teaches the positioning table (figure 7) integrated in a feeding table 10 (figure 4).

Re claim 5, Charbonnet teaches the positioning table (figure 7) has an underside facing away from the contact surface thereof and including a plurality of elastic bars 28,29,32,33, and the stems of 53 (figures 11,12), engaged by said positioning table at said underside thereof so that the weight of said positioning table is supported thereby.

Re claim 15, Charbonnet teaches a control device for adjusting the negative pressure to which at least one opening formed in the contact surface of said positioning table is subjected (column 6, states the elements 53 are activated (and later deactivated)).

Claims 9 and 10 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Charbonnet (US 4,547,115).

Re claim 9,10, Charbonnet teaches the positioning table being of polygonal construction and square. If it is determined that Charbonnet as set forth above does not teach the positioning table being of polygonal construction and/or square, then the following rejection applies: It would have been obvious to one of ordinary skill in the art

at the time the invention was made to have modified Charbonnet for stylists reasons to make any known shape capable of performing the required functions.

***Allowable Subject Matter***

Claims 19-20 are allowed.

Claims 7,8,14,17,18 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Applicant's arguments filed 11/29/04 & 12/30/04 have been fully considered but they are not persuasive.

Applicant's arguments regarding Charbonnet not being able to side align etc., are not persuasive. Charbonnet as shown in the rejection section is capable of displacing a sheet in the set of directions claimed (figures 1,4).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Scott Lowe whose telephone number is 703-305-1940. The examiner can normally be reached on 6:30am-4:30pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on 703-308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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